



The Salisbury Planning Board held its regular meeting Tuesday, November 24, 2009, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Maggie Blackwell, Craig Neuhardt, Valarie Stewart, Bill Wagoner, and Diane Young

ABSENT: Mark Beymer, Robert Cockerl, Tommy Hairston, Richard Huffman, and Albert Stout

STAFF: Dan Mikkelson, Preston Mitchell, Patrick Ritchie and Diana Moghrabi

This meeting was digitally recorded for *Access 16* television by Jason Parks.

The Board agreed that Diane Young would chair the meeting. Ms. Young called the meeting to order and Maggie Blackwell offered an invocation. The minutes of the October 27, 2009, meeting were approved as submitted. The Planning Board adopted the agenda as submitted.

NEW BUSINESS

A. Frontage Width Special Exception

SE-20-09

Applicant(s): Eddie Hampton Construction
Address of Subject Site: 128 Oakwood Avenue

This is an evidentiary hearing; therefore, Eddie Hampton, Preston Mitchell and Patrick Ritchie were sworn in. Patrick Ritchie gave a staff presentation and Preston Mitchell went over the special exception procedures and standards for review. The Planning Board is the approval body of subdivisions.

Applicant is seeking a Frontage Width Special Exception to permit the subdivision of 128 Oakwood Avenue into two lots where each lot would exhibit a frontage width of 62.4 feet. This is considered an infill parcel. Using the LDO requirements, the property cannot be subdivided by right; the property does not meet the standard of 72.5 feet. For GR zoning the minimum width requirement is 55 feet. This subdivision will not create any non-conformity and is uniform from front to back of the property. Patrick Ritchie stated that the proposed subdivision meets the provisions of Land Development Ordinance Section 6.3. E. 3 as stated above and may be considered by Planning Board as a special exception.

No one spoke in opposition at the evidentiary hearing.

Eddie Hampton, 100 W. Corriher, spoke in favor. His company has been building houses in this neighborhood since 1986. They plan to build and sell single family homes; although, they could build a duplex. He shared photos of some of the homes he has built.

He spoke to three of the neighbors and found they had no objections to his intentions. Twelve-foot side yards are being proposed. The requirement is 20 percent of the lot width divided in two. It does not have to be split down the middle.

Consideration factors for frontage width special exception review. In applying the aforementioned standards, the Planning Board shall consider each of the following factors:

1. *The minimum frontage width, as requested, or some modification thereof and subsequent subdivision do not negatively impact the provision of city services or utilities.* Karen Alexander made a MOTION that, "Planning Board finds that this proposal does not create any negative issues for the provision of City services or utilities, as per the City staff liaison." Craig Neuhardt seconded the motion with all members voting AYE. (6-0)
2. *The applicable comparison lots adequately represent the larger surrounding area.* Bill Wagoner made a Motion that this statement is correct given the wide variety of 50 and 75-foot lots within eyesight of this proposed lot. Karen Alexander seconded that with all members saying AYE. (6-0)
3. *Natural or man-made features of the land help or hinder the minimum frontage width as required and requested.* Bill Wagoner believed this factor was not applicable to this specific site and does not hinder Planning Board approval. Karen Alexander agreed in the form of a second. All members voted Aye. (6-0)

Diane Young stated that she has had difficulty with the whole concept of Planning Board giving special exceptions to a part of Salisbury's code when there is not a physical hardship. She will vote against this since she is not sold on going down a path of granting special exceptions when there is not a physical hardship.

Valarie Stewart made a MOTION to approve SE-20-2009 based on the three consideration factors. Maggie Blackwell seconded the motion and it was approved. (5-1)

B. LDO Text Amendments

LDOTA-09-2009 TRC Membership

This is a request to amend Chapter 14-6 of the Land Development Ordinance. (LDO) The Land Management Department no longer exists as it did during the drafting of the LDO. The Department is now two departments—Engineering and Development Services and Community

Planning Services. The Chair will be a non-voting member except in the event of a tie.

No public was in attendance so there was no courtesy hearing.

Craig Neuhardt made a MOTION that the Planning Board finds and determines that the LDO Text Amendment LDOTA-09-2009, Makeup of the TRC, is consistent with the goals objectives and policies of the Salisbury Vision 2020 Comprehensive Plan and hereby recommends approval. Karen Alexander seconded the motion and statement of consistency. All members voted AYE to approve. (6-0)

LDOTA-10-2009 Sidewalks – Tabled until December 9, 2009, at 3:30 at City Hall in the second floor conference room.

LDOTA-12-2009 DMX Lots – Regarding house and townhouse types only in the DMX. Salisbury has about one dozen non-conforming house types because these are currently prohibited in the DMX. TRC recommends that Salisbury permit house types in the DMX but not allow new house types (removing the non-conforming status.)

This is largely in response to the houses to be renovated behind City Hall on Lee Street. The City has proposed a parking lot behind the two houses. There was a discussion on handling this as a Conditional District. Bill Wagoner questioned whether Salisbury needs to look at the dimensional standards in the city as a whole.

Patrick Ritchie said, as the subdivision administrator, “In the DMX, house type is non-conforming, but if you want to subdivide you have to meet the dimensional standards of UR.” Urban Residential (UR) standards require a 25-foot rear yard setback.

Valarie and Bill asked if a building (house type) was destroyed or torn down, could it be rebuilt. Staff will get more information for Planning Board. There was more discussion. The Planning Board agreed to table this item (non-conforming house types in the DMX) until the next meeting.

LDOTA-13-2009 CD Revisions

Committee 3 (Bill Wagoner, Tommy Hairston, Craig Neuhardt, and Mark Beymer) will arrange a committee meeting to discuss the approval process.

LDOTA-14-2009 DMX Lighting

The proposal is to exempt the DMX from the 1-foot candle rule so light can wash across properties. This does not exempt the requirement to use

downward directed semi-cutoff, cutoff, or full cutoff fixtures. The light source still must be shielded so it is not visible from any public right-of-way or adjacent property.

Valarie Stewart made a MOTION to approve LDOTA-14-2009 saying that that, "The Planning Board finds and determines that the LDO Text Amendment LDOTA-14-2009, DMX Lighting on Private Property, is consistent with the goals objectives and policies of the Salisbury Vision 2020 Comprehensive Plan and hereby recommends approval." The motion was seconded with all members voting AYE. (6-0)

COMMITTEES

LDOTA-10-2009: Citywide Sidewalk Requirements

Committee #1 (Diane Young, Ch; Karen Alexander, V. Ch; Robert Cockerl) is scheduled for Wednesday, December 9 at 3:30 p.m. at City Hall in the second floor conference room. The secretary will advise Mr. Richard Miller of the change.

OTHER BOARD BUSINESS

Maggie Blackwell has served the Salisbury Planning Board well and will be leaving to serve on City Council. Diane Young acknowledged her invaluable service and staff presented a certificate of appreciation.

The next Planning Board meeting will be December 8, 2009.

There being no further business to come before the Planning Board the meeting was adjourned at 5:33 p.m.

Robert Cockerl, Chair

Diana Moghrabi, Secretary